

Application No.: 10/532,471  
Amendment Dated: October 17, 2007  
Reply to Office Action of: July 17, 2007

MAT-8689US

**Remarks/Arguments:**

Claims 1-8 are pending. Claims 1-3 and 5-7 are rejected.

Claims 4 and 8 are objected to but indicated allowable if rewritten into independent form.

By this Amendment, claims 1 and 5-8 are amended, and claims 2-4 are cancelled without prejudice. No new matter is presented by the claim amendments. Support for the claim amendments can be found throughout the original specification and, for example, in original claims 1-4.

**Examiner Interview**

The Examiner is thanked for the Examiner Interview with Applicant's Representative on September 25, 2007. In the Examiner Interview, Applicant's Representative discussed claim 5 and the references cited in the outstanding Office Action. Applicant's Representative argued that the prior art, and in particular, Chady, did not disclose or suggest an initial dispersion between cells being within a predetermined value. Applicant's Representative also discussed the status of claim 7. Examiner Dalena Tran agreed that claim 5 distinguished over an initial review of Chady and that she would reconsider the rejection of claim 5. Also, the Examiner stated that claim 7 also includes allowable subject matter if the rejection under 35 U.S.C. § 112, second paragraph, is overcome.

**Rejection of Claim 7 Under 35 U.S.C. § 112, Second Paragraph**

In the Office Action, at item 2, claim 7 is rejected under 35 U.S.C. § 112, second paragraph.

Claim 7 has been amended to overcome this rejection.

Reconsideration is respectfully requested.

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### **Rejection of Claims 1-3 Under 35 U.S.C. § 103(a)**

In the Office Action, at item 4, claims 1-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Naito (U.S. Patent No. 5,780,980) in view of Drozdz et al. (U.S. Patent No. 5,898,282, hereinafter referred to as "Drozdz").

Reconsideration is respectfully requested.

The subject matter of allowable claim 4, including intervening claims 2 and 3 have been incorporated into claim 1 to render claim 1 allowable. It is noted for the Examiner that the battery limitation (i.e., a battery as a power source of the vehicle) has been moved into the preamble of claim 1.

Reconsideration is respectfully requested.

### **Claims 2 and 3**

Claims 2 and 3 have been cancelled without prejudice. Accordingly, the rejection of these claims is now moot.

### **Rejection of Claims 5 and 6 Under 35 U.S.C. § 103(a)**

In the Office Action, at item 5, claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Naito in view of Drozdz in further view of Chady (U.S. Patent No. 6,091,228, hereinafter referred to as "Chady").

Reconsideration is respectfully requested.

Claim 5 has been rewritten in independent form.

### **Claim 5**

Claim 5 is directed to a vehicle power unit capable of electrically controlling a brake of a vehicle which includes a battery as a power source of the vehicle, and

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recites "an initial dispersion of voltage between cells is within a predetermined value."

In the Office Action, at page 4, the Examiner acknowledges that Naito and Drozd do not disclose that a dispersion of voltage between capacitor cells is within a predetermined value.

In the Office Action, at page 4, the Examiner contends that Chady discloses "the capacitor cell is previously confirmed that an initial dispersion of voltage between cells is within a predetermined value (see columns 1-2, lines 36-31; and columns 5-6, lines 31-44)." At the portion cited by the Examiner, Chady discloses maintaining battery impedance at a predetermined value. Chady is silent, however, regarding anything related to an initial dispersion of voltage between cells being within a predetermined value.

Accordingly, it is submitted that claim 5 patentably distinguishes over the cited art of Naito, Drozd and Chady for at least the above-mentioned reasons.

#### **Claim 6**

Claim 6, which includes all of the limitations of claim 5 is also submitted to patentably distinguish over the cited art of Naito, Drozd and Chady for at least the same reasons as claim 5.

#### **Claims 7 and 8**

Claim 7, which is submitted to be free from the rejection under 35 U.S.C. § 112, second paragraph, is submitted to be allowable. Further, claim 8, which depends from claim 7, is also submitted to be allowable for the same reasons as claim 7.

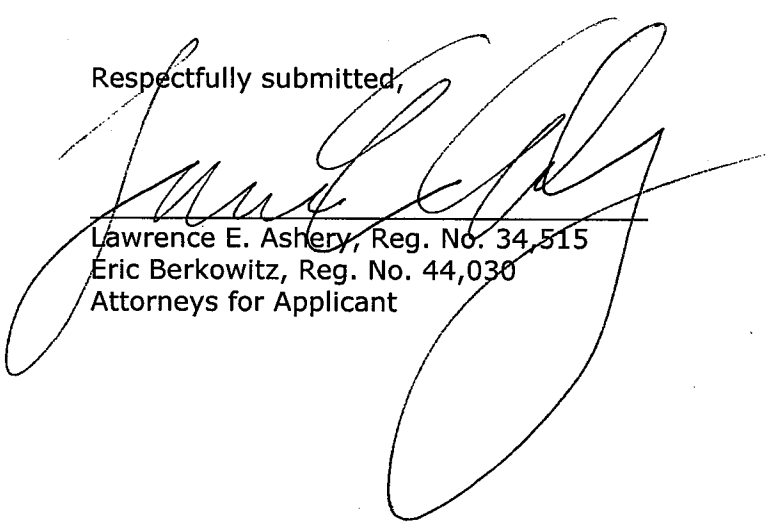
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### **Conclusion**

In view of the claim amendments and remarks, Applicant submits the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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